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March 9, 2015

VIA ECF

Judge Denis R. Hurley
P.O. Box 9014
100 Federal Plaza
Central Islip, New York 11722

Re: *Sanders v. RUI Credit Services, Inc.*

Case Number: 2:14-cv-06509-DRH-AKT

Dear Judge Hurley:

This office is co-counsel to the Plaintiff in the above-referenced matter. Pursuant to Your Honor's Individual Practice Rules, Rules 3A and 3B, kindly allow this correspondence as Plaintiff's request for a pre-motion conference.

Plaintiff requests permission to make a motion pursuant to FRCP Rule 15 for leave to file a Second Amended Complaint. The Second Amended Complaint will assert an additional cause of action against this same Defendant for an additional violation of the FDCPA due to Defendant's imposition of a "service charge" as set forth on Defendant's collection letters. (Dkt. 13-1, 13-2.)

Defendant will suffer no prejudice as this matter is in its infancy and no discovery has been served other than basic Rule 26 disclosures. Additionally, the amendment

clearly has merit as this Court has held that the imposition of such a service charge is a violation of the FDCPA. (*see Quinteros v. MBI Associates, Inc.*, 999 F.Supp.2d 434, 437-441 [E.D.N.Y. 2014].)

Plaintiff has requested Defendant's consent to the amendment. However, Defendant has refused, making necessary a motion for leave. (*see* FRCP Rule 15[a][2].) Finally, the instant request is timely pursuant to Magistrate Tomlinson's Order. (Dkt. 16, ¶5.)

Thank you for your attention herein.

Respectfully submitted:

/s/ David M. Barshay
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Cc: All parties via ECF